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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,945	11/15/2001	Jason F. Hunzinger	09752-104001	5935

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/998,945

**Applicant(s)**

HUNZINGER, JASON F.

**Examiner**

Jean A Gelin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Irvin (US 6,360,101).

Regarding to claims 1, 13, Irvin teaches a method of providing a terminal with location-based actions in a communications network (col. 1, line 43 to col. 2, line 15)) comprising: storing at least a first set of location information (col. 4, lines 7-17); associating a terminal action with said first set of location information (col. 4, lines 18-34); and executing the associated terminal action when a current terminal location information is within a specified range of the first set of location information (col. 4, line 60 to col. 5, line 24).

Regarding to claims 2, 14, Irvin teaches defining a direction specification associated with said terminal action (i.e., arriving at a location and traveling away the location, col. 6, lines 12-21), comparing said terminals direction of motion relative to said first set of location information with said direction specification associated with said terminal action (col. 5, lines 25-37), executing said terminal action only if said direction

specification matches with current terminal direction of motion relative to said stored first set of location information (col. 5, lines 37-46).

Regarding to claims 3, 15, Irvin teaches wherein said direction specification parameter is selected from the group consisting of exiting, entering, and both entering and exiting (i.e., sending a message upon arrival and travel away, col. 5, lines 25-30, col. 6, lines 12-21).

Regarding to claims 4, 16, Irvin teaches applying hysteresis to direction changes to avoid thrashing (i.e., within col. 6, lines 12-22).

Regarding to claims 5, 17, Irvin teaches wherein said first set of location information is the current location information of said terminal when the user is associating said terminal action (col. 4, line 60 to col. 5, line 55).

Regarding to claims 6, 18, Irvin teaches wherein associating said terminal action with a set of location information is done after storing said location information (col. 5, line 25 to col. 6, line 10).

Regarding to claims 7, 19, Irvin teaches associating a description with each set of stored location information (col. 5, lines 1-24); and selecting a stored set of location information to associate with said action based on the associated description (col. 5, lines 1-55).

Regarding to claims 9, 21, Irvin teaches wherein said location information consists of at least one of the elements selected from the group consisting of base station identifier, pilot signal strength, pilot signal Pseudo Noise offset, multi-path profile, signal conditions, GPS location, AFLT location, hybrid location, network assisted

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location, geographical location, location identification, location name, area name, and geometric area specification (col. 4, lines 7-59).

Regarding to claims 10, 22, Irvin teaches comprising determining said location information without an active connection to said network (col. 4, lines 6-43).

Regarding to claims 11, 23, Irvin teaches wherein said location information is represented using at least one of the parameters selected from the group consisting of radius, network parameter, geometric shape, size, range, orientation, and height (col. 4, lines 25-43).

Regarding to claims 12, 24, Irvin teaches obtaining time information;, associating said action with both said first set of location information and said time information (col. 5, line 56 to col. 6, line 21); and executing said stored terminal action only if said time information matches a current time (col. 5, line 56 to col. 6, line 21).

### ***Allowable Subject Matter***

3. Claims 8 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Welch (US 6,177,905) teaches location-triggered reminder for mobile user devices.

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Kemink et al. (US 6,563,430) teaches remote control device with location dependent interface.

Richton (US 6,650,902) teaches providing location-based information delivery to a wireless mobile unit.

Nagendran (US 6,731,940) teaches methods of using wireless geolocation to customize content and delivery information to wireless communication device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
May 29, 2004

JEAN GELIN  
PATENT EXAMINER

*Jean Allard Gelin*